

THE DULY ELECTED MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF CLERMONT COUNTY, OHIO, MET IN REGULAR SESSION ON MAY 12, 2010, WITH THE FOLLOWING MEMBERS PRESENT: ROBERT L. PROUD, PRESIDENT, EDWIN H. HUMPHREY, VICE PRESIDENT, AND R. SCOTT CROSWELL III, MEMBER. THE MEETING WAS CALLED TO ORDER SHORTLY AFTER 1:00 P.M. BY THE PRESIDENT OF THE BOARD WITH THE PLEDGE OF ALLEGIANCE TO OUR FLAG.

LET THE RECORD SHOW: Beth Nevel, Director, Clermont County Emergency Management Agency, addressed the Board of County Commissioners, to donate one of eleven All Hazards Alert Radios, which are provided each year through grant programs, to the Clermont County Public Library. David Mezack, Executive Director and Operations Coordinator, Clermont County Public Library, expressed his appreciation, on behalf of the Clermont County Public Library, to the Clermont County Emergency Management Agency for this donation.

IN RE: BOARD OF COUNTY COMMISSIONERS...RESOLUTION NUMBER 64-10/PAYMENT OF BILLS...ADOPTED

Moved by Mr. Humphrey, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation that the Board of County Commissioners adopt **Resolution Number 64-10** resolving to approve payment to vendors listed on the General Ledger Distribution Report(s) presented by the County Auditor **05/11/2010 in the revised total amount of \$1,808,786.31**, and further authorizing the County Auditor to issue warrants for same pursuant to Section 319.16 of the Ohio Revised Code.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Humphrey, Aye; Mr. Croswell, Yes; Mr. Proud, Yea.

IN RE: BOARD OF COUNTY COMMISSIONERS...RESOLUTION NUMBER 65-10/PAYMENT OF BILLS...ADOPTED

Moved by Mr. Humphrey, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation that the Board of County Commissioners adopt **Resolution Number 65-10** resolving to approve payment to vendors included on the General Ledger Distribution Report(s) presented by the County Auditor **05/11/2010** as reflected in the Invoice List by GL Account Report in the amount of **\$10,000.00**, and further authorizing the County Auditor to issue warrants for same pursuant to Section 319.16 of the Ohio Revised Code.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Humphrey, Aye; Mr. Proud Yea; Mr. Croswell, Abstained.

IN RE: BOARD OF COUNTY COMMISSIONERS...RESOLUTION NUMBER 66-10/PAYMENT OF BILLS...ADOPTED

Moved by Mr. Croswell, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation that the Board of County Commissioners adopt **Resolution Number 66-10** resolving to approve payment to vendors included on the General Ledger Distribution Report(s)

presented by the County Auditor 05/11/2010 as reflected in the Invoice List by GL Account Report **in the amount of \$37.55**, and further authorizing the County Auditor to issue warrants for same pursuant to Section 319.16 of the Ohio Revised Code.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes; Mr. Proud, Yea; Mr. Humphrey, Abstained.

IN RE: DEPARTMENT OF JOB AND FAMILY SERVICES...PURCHASE OF SERVICE AGREEMENT WITH ST. JOSEPH ORPHANAGE FOR THE PROVISION OF RESIDENTIAL TREATMENT, PARTIAL HOSPITALIZATION, MENTAL HEALTH/THERAPY AND VARIOUS LEVELS OF FOSTER CARE SERVICES FOR SAME...10-0503-001...EXECUTED

Moved by Mr. Croswell, seconded by Mr. Humphrey, that the Board of County Commissioners approve the following recommendation:

Recommendation of Michael R. Pride, Director, Department of Job and Family Services, with the concurrence of David L. Spinney, County Administrator, to execute a Purchase of Service Agreement by and between the County of Clermont, Ohio, and St. Joseph Orphanage, 5400 Edalbert Drive, Cincinnati, Ohio 45239 for the provision of residential treatment, partial hospitalization, mental health/therapy and various levels of foster care services for children in the care and/or custody of the Department of Job and Family Services and/or Clermont County Juvenile Court, at the rates as identified therein, effective 01/01/2010 through 12/31/2010, pursuant to and in compliance with the terms and conditions set forth therein.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes; Mr. Humphrey, Aye; Mr. Proud, Yea.

IN RE: DEPARTMENT OF JOB AND FAMILY SERVICES...CONTRACT WITH A&K BARKLEY CAB INC. (A&K TRANSPORTATION) d.b.a. UNITED TAXI CAB INC. FOR TRANSPORTATION SERVICES FOR CUSTOMERS OF THE NON EMERGENCY TRANSPORTATION (NET) PROGRAM, AT-RISK PREGNANCY PROGRAM, AND/OR CHILDREN'S PROTECTIVE SERVICES FOR SAME...07-0924-004...EXECUTED

Moved by Mr. Humphrey, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation of Michael R. Pride, Director, Department of Job and Family Services, with the concurrence of David L. Spinney, County Administrator, to execute a Contract by and between the County of Clermont, Ohio, and A&K Barkley Cab Inc. (A&K Transportation) d.b.a. United Taxi Cab Inc., 8070 A Beechmont Avenue, Cincinnati, Ohio 45255 for the provision of transportation services for customers of the Non Emergency Transportation (NET) Program, At-Risk Pregnancy Program, and/or Children's Protective Services unable to be served through the Memorandum of Understanding by and between the Department of Job and Family Services and the Board of Clermont County Commissioners, on behalf of the Clermont Transportation Connection, previously ratified by the Board of County Commissioners on 02/27/08 and 04/08/09, with no increase in the rates for services to be provided, in an amount not to exceed \$24,995.00, effective 03/01/2010 through 07/31/2010, or until such time that this contract is terminated by the Department of Job and Family Services, based on an award of bid and execution of a contract with the successful bidder, in concert with the Request for Bids authorized by the Board of County Commissioners on 05/05/2010 relative thereto, pursuant to and in compliance with the terms and conditions set forth therein.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Humphrey, Aye; Mr. Croswell, Yes; Mr. Proud, Yea.

**IN RE: DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT...
AMENDMENTS TO THE GRANT AGREEMENTS WITH THE STATE
OF OHIO DEPARTMENT OF DEVELOPMENT FOR VARIOUS GRANT
AGREEMENTS FOR FISCAL YEARS 2008 AND 2009...EXECUTED**

Moved by Mr. Croswell, seconded by Mr. Humphrey, that the Board of County Commissioners approve the following recommendation:

Recommendation of Raymond Sebastian, Chief Building Official, Building Inspection Department, with the concurrence of Scot Lahrmer, Assistant County Administrator, to authorize Robert L. Proud, President of the Board of County Commissioners, to execute Amendments to the Grant Agreements by and between the County of Clermont, Ohio, and the State of Ohio, Department of Development, P. O. Box 1001, 77 South High Street, Columbus, Ohio 43216-1001, which represent permanent modifications of the Grant Numbers outlined below as requested by the State of Ohio Department of Development, Office of Housing and Community Partnerships (OHCP), with all other terms and conditions of the original Grant Agreements to remain in full force and effect:

Grant Program	Former Grant Number	New Grant Number
Fiscal Year 2008 Clermont County Community Housing Improvement Program (CHIP), previously ratified by the Board of County Commissioners on 10/22/08 Community Development Block Grant (CDBG) Community Housing Improvement Program DC# 08-0418-001	B-C-08-013-1	B-C-08-1AM-1
Fiscal Year 2008 Clermont County Community Housing Improvement Program (CHIP), previously ratified by the Board of County Commissioners on 10/22/08 HOME Investment Partnership Program DC# 08-0418-001	B-C-08-013-2	B-C-08-1AM-2
Fiscal Year 2009 Ohio Department of Development Neighbor Stabilization Program (NSP), previously ratified by the Board of County Commissioners on 05/13/09 and subsequently amended on 04/07/10 DC# 09-0224-002	B-Z-08-013-1	B-Z-08-1AM-1
Fiscal Year 2009 Ohio Department of Development Small Cities Community Development Block Grant (CDBG) Program, previously ratified by the Board of County Commissioners on 09/28/09 Community Development Block Grant Program DC# 09-0602-002	B-F-09-013-1	B-F-09-1AM-1

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes; Mr. Humphrey, Aye; Mr. Proud, Yea.

**IN RE: CLERMONT TRANSPORTATION CONNECTION...RESOLUTION
NUMBER 67-10/A RESOLUTION AUTHORIZING THE FILING OF
THREE (3) APPLICATIONS WITH THE OHIO-KENTUCKY-INDIANA
REGIONAL COUNCIL OF GOVERNMENTS AND THE FEDERAL
TRANSIT ADMINISTRATION FOR THE PURCHASE OF EIGHT (8)
REPLACEMENT TRANSIT VEHICLES IN 2013, EIGHT (8)
REPLACEMENT TRANSIT VEHICLES IN 2014 AND PHASE II OF THE
CTC OPERATIONS FACILITY, USING CONGESTION MITIGATION/
AIR QUALITY FUNDING...10-0503-002... ADOPTED**

Moved by Mr. Humphrey, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation of Benjamin S. Capelle, Director, Clermont Transportation Connection, with the concurrence of David L. Spinney, County Administrator, to adopt **Resolution Number 67-10** resolving to authorize the Director of the Clermont Transportation Connection to file three (3) applications on behalf of the Clermont County Board of Commissioners with the Ohio-Kentucky-Indiana Regional Council of Governments (OKI), 720 East Pete Rose Way, Suite 420, Cincinnati, Ohio 45202 and the Federal Transit Administration (FTA) (Region 5,) 200 West Adams Street, Suite 320, Chicago, Illinois 60606 for the purchase of eight (8) replacement transit vehicles in 2013, eight (8) replacement transit vehicles in 2014 and Phase II of the CTC Operations Facility in 2013, using Congestion Mitigation/Air Quality (CMAQ) Funding. Each Application for Congestion Mitigation/Air Quality Funding for the purchase of eight replacement transit vehicles is in the total amount of \$1,140,000.00 with \$912,000.00 or eighty percent (80%) representing the federal share and \$228,000.00 or twenty percent (20%) representing the required local share which will be provided from the Clermont Transportation Connection Capital Improvement Fund and/or the County Capital Improvement Fund. The Application for Congestion Mitigation/Air Quality Funding for Phase II of the CTC Operations Facility is in the total amount of \$5,000,000.00 with \$4,000,000.00 or eighty percent (80%) representing the federal share and \$1,000,000.00 or twenty percent (20%) representing the required local share which will be provided by the County through the dedicated use of County Real Property and/or the County Capital Improvement Fund.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Humphrey, Aye; Mr. Croswell, Yes; Mr. Proud, Yea.

IN RE: CLERMONT TRANSPORTATION CONNECTION...RESOLUTION NUMBER 68-10/RESOLUTION AUTHORIZING THE EXECUTION OF CONTRACT NUMBER UPT-0013-688-101 WITH THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION FOR GRANT NUMBER OH-90-X688 RELATIVE TO THE OHIO PUBLIC TRANSIT GRANT PROGRAM FOR STATE FISCAL YEAR 2010 FOR SAME...09-1229-002...ADOPTED

Moved by Mr. Croswell, seconded by Mr. Humphrey, that the Board of County Commissioners approve the following recommendation:

Recommendation of Benjamin S. Capelle, Director, Clermont Transportation Connection, with the concurrence of David L. Spinney, County Administrator, to adopt **Resolution Number 68-10** resolving to authorize Robert L. Proud, President of the Board of County Commissioners, to execute Contract Number UPT-0013-688-101 by and between the Board of County Commissioners, Clermont County, Ohio, for and on behalf of the Clermont Transportation Connection, and the State of Ohio Department of Transportation, Office of Public Transit, 1980 West Broad Street, Columbus, Ohio 43223, in the amount of \$38,423.00 for Grant Number OH-90-X688 for the Urban Transit Program pursuant to and in compliance with the terms and conditions set forth therein and in concert with the Application for the Ohio Public Transit Grant Program for State Fiscal Year 2010 ratified by the Board of County Commissioners on 01/06/10 relative thereto.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes; Mr. Humphrey, Aye; Mr. Proud, Yea.

IN RE: OFFICE OF ECONOMIC DEVELOPMENT...AMENDMENT TO THE GRANT AGREEMENT WITH THE STATE OF OHIO DEPARTMENT OF DEVELOPMENT FOR THE CONSTRUCTION OF A CONNECTOR ROAD FROM OLD STATE ROUTE 74 TO COLLEGE DRIVE IN

BATAVIA TOWNSHIP, CLERMONT COUNTY, OHIO...06-0411-001...EXECUTED

Moved by Mr. Humphrey, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation of Andrew Kuchta, Director, Office of Economic Development, with the concurrence of Scot Lahrmer, Assistant County Administrator, to authorize Robert L. Proud, President of the Board of County Commissioners, to execute an Amendment to the Grant Agreement by and between the County of Clermont, Ohio, and the State of Ohio Department of Development, 77 South High Street, Columbus, Ohio 43215, previously ratified by the Board of County Commissioners on 06/07/06 and subsequently amended on 06/14/06, 12/03/08 and 11/18/09, which represents a permanent modification of the Grant Number from A-05-013-1 to S-A-05-1AM-1 as requested by the State of Ohio Department of Development, Office of Housing and Community Partnerships (OHCP) in and as it relates to the Grant Agreement for Appalachian Regional Commission Funding for the construction of a connector road from Old State Route 74 to College Drive in Batavia Township, Clermont County, Ohio, pursuant to and in compliance with the terms and conditions set forth therein.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Humphrey, Aye; Mr. Croswell, Yes; Mr. Proud, Yea.

**IN RE: COUNTY ENGINEER...MYSTIC WOODS ESTATES SUBDIVISION
 /PIERCE TOWNSHIP...RESOLUTION NUMBER 69-10/RESOLUTION
 AUTHORIZING THE CONVERSION OF A COMBINED
 PERFORMANCE-MAINTENANCE BOND FOR SAME...05-1202-
 014...ADOPTED**

Moved by Mr. Croswell, seconded by Mr. Humphrey, that the Board of County Commissioners approve the following recommendation:

Recommendation of Patrick J. Manger, County Engineer, with the concurrence of David L. Spinney, County Administrator, to adopt **Resolution Number 69-10** to convert the Combined Performance-Maintenance Bond in the amounts listed below, for the construction of streets in the stated lengths within the following subdivision located in Pierce Township, from the performance bond phase to the maintenance bond phase effective as of the date of conversion thereof:

Subdivision	Performance-Maintenance	Street/Length (miles)
Mystic Woods Estates Subdivision Pierce Township Resolution Number 69-10 Secured by Official Check Number 401478753, dated 11/08/05, issued by US Bank on behalf of James E. Donaldson	\$19,000.00/\$8,000.00*	Mystic Woods Drive (0.25)

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes; Mr. Humphrey, Aye; Mr. Proud, Yea.

**IN RE: COUNTY ENGINEER...RESOLUTION NUMBER 70-10/RESOLUTION
 FINDING THAT FOREST GLEN PUD, LLC FAILED TO COMPLETE
 THE TERMS OF THE PERFORMANCE AND MAINTENANCE BOND
 DATED THE 4TH DAY OF JANUARY 2006 SECURED BY
 IRREVOCABLE STANDBY LETTER OF CREDIT NUMBER CIS404600**

ISSUED BY FIFTH THIRD BANK, CINCINNATI, OHIO, IN THE AMOUNT OF \$39,000.00 AND AUTHORIZING RECOVERY AGAINST THE IRREVOCABLE STANDBY LETTER OF CREDIT FOR COMPLETION OF THE TERMS AND CONDITIONS STATED IN THE AFORE STATED BOND...05-1230-005...RATIFIED

Moved by Mr. Humphrey, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation of Patrick J. Manger, County Engineer, with the concurrence of David L. Spinney, County Administrator, to adopt **Resolution Number 70-10** resolving (1) to certify that Forest Glen PUD, LLC has defaulted on the terms and conditions set forth in the Combined Performance and Maintenance Bond secured by Irrevocable Standby Letter of Credit Number CIS404600 in the amount of \$39,000.00 issued by Fifth Third Bank, International Trade Services, 38 Fountain Square Plaza, MD10903C, Cincinnati, Ohio 45202 as Surety for Forest Glen Subdivision, Section II, Block A located in Batavia Township, ratified by the Board of County Commissioners on 01/04/06, by failing to perform the completion, construction, repair and maintenance of Greenhill Court, Autumnview Drive and Glenstream Drive as shown on Record Plat Number 629-2395 therefore and that the Board of County Commissioners is obligated to complete the performance thereof and (2) to determine that the amount necessary to complete and perform such construction and/or maintenance activities to cure the default by Forest Glen PUD, LLC is in the amount of \$39,000.00 and that the County Engineer is hereby authorized and directed to present to Fifth Third Bank a certified copy of this resolution together with a draft in the amount of \$39,000.00 as demand for payment pursuant to and in compliance with the terms and conditions set forth in Irrevocable Standby Letter of Credit Number-CIS404600 on or before June 1, 2010, and (3) upon review and approval of the Office of the Prosecuting Attorney of Clermont County, Ohio, the County Engineer is hereby authorized to execute all necessary documents and/or bank drafts on behalf of Clermont County and/or the Clermont County Board of Commissioners to complete recovery and deposit of said sum to the benefit of the County for the construction and/or maintenance activities required for the completion thereof.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Humphrey, Aye; Mr. Croswell, Yes; Mr. Proud, Yea.

IN RE: COUNTY ENGINEER...RESOLUTION NUMBER 71-10/RESOLUTION FINDING THAT FOREST GLEN PUD, LLC FAILED TO COMPLETE THE TERMS OF THE PERFORMANCE AND MAINTENANCE BOND DATED THE 15TH DAY OF DECEMBER 2006 SECURED BY IRREVOCABLE STANDBY LETTER OF CREDIT NUMBER CIS405884 ISSUED BY FIFTH THIRD BANK, CINCINNATI, OHIO, IN THE AMOUNT OF \$38,000.00 AND AUTHORIZING RECOVERY AGAINST THE IRREVOCABLE STANDBY LETTER OF CREDIT FOR COMPLETION OF THE TERMS AND CONDITIONS STATED IN THE AFORE STATED BOND...06-1213-001...RATIFIED

Moved by Mr. Croswell, seconded by Mr. Humphrey, that the Board of County Commissioners approve the following recommendation:

Recommendation of Patrick J. Manger, County Engineer, with the concurrence of David L. Spinney, County Administrator, to adopt **Resolution Number 71-10** resolving (1) to certify that Forest Glen PUD, LLC has defaulted on the terms and conditions set forth in the Combined Performance and Maintenance Bond secured by Irrevocable Standby Letter of Credit Number CIS405884 in the amount of \$38,000.00 issued by Fifth Third Bank, International Trade Services, 38 Fountain Square Plaza, MD10903C, Cincinnati, Ohio 45202 as Surety for Forest Glen Subdivision, Section II, Block B located in Batavia Township, ratified by the Board of County Commissioners on 12/15/06, by failing to perform the completion, construction, repair

and maintenance of Autumnview Drive and Millstream Drive as shown on Record Plat Number 629-2478 therefore and that the Board of County Commissioners is obligated to complete the performance thereof and (2) to determine that the amount necessary to complete and perform such construction and/or maintenance activities to cure the default by Forest Glen PUD, LLC is in the amount of \$38,000.00 and that the County Engineer is hereby authorized and directed to present to Fifth Third Bank a certified copy of this resolution together with a draft in the amount of \$38,000.00 as demand for payment pursuant to and in compliance with the terms and conditions set forth in Irrevocable Standby Letter of Credit Number- CIS405884 on or before June 1, 2010, and (3) upon review and approval of the Office of the Prosecuting Attorney of Clermont County, Ohio, the County Engineer is hereby authorized to execute all necessary documents and/or bank drafts on behalf of Clermont County and/or the Clermont County Board of Commissioners to complete recovery and deposit of said sum to the benefit of the County for the construction and/or maintenance activities required for the completion thereof.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes; Mr. Humphrey, Aye; Mr. Proud, Yea.

IN RE: BOARD OF COUNTY COMMISSIONERS...RENEWAL OF LEASE AGREEMENT WITH THE CLERMONT COUNTY EDUCATIONAL SERVICE CENTER FOR THE LEASE OF SPACE LOCATED AT 2400 CLERMONT CENTER DRIVE, BATAVIA, OHIO...08-0911-002...APPROVED

Moved by Mr. Humphrey, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation of Sukie Scheetz, Director, Office of Management and Budget, with the concurrence of David L. Spinney, County Administrator, to renew the Lease Agreement by and between the Board of County Commissioners, Clermont County, Ohio, and the Clermont County Educational Service Center, 2400 Clermont Center Drive, Batavia, Ohio 45103, previously ratified by the Board of County Commissioners on 09/24/08 and subsequently amended on 05/06/09, for the lease of 13,938 sq. ft. of office space within the County building located at 2400 Clermont Center Drive, Batavia, Ohio 45103, for an additional one year period, commencing on 07/01/10 and effective through 06/30/11, at the annual rate of \$151,042.47, which represents the second of two subsequent one year renewal terms available pursuant to Article III of said Agreement, with all other terms and conditions of the original Agreement to remain in full force and effect.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Humphrey, Aye; Mr. Croswell, Yes; Mr. Proud, Yea.

LET THE RECORD SHOW: That a motion by Mr. Croswell, seconded by Mr. Humphrey, to approve the minutes of Regular Session of **05/12/10** carried with all members present voting affirmatively thereon.

IN RE: ADJOURNMENT...APPROVED

Moved by Mr. Humphrey, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

That the Board of County Commissioners, noting no further business to come before the commission for legislative action, adjourned this Regular Session at 1:24 P.M. until the next regularly scheduled session to be held at a later date.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Humphrey, Aye; Mr. Croswell, Yes; Mr. Proud, Yea.

**BOARD OF COUNTY COMMISSIONERS
CLERMONT COUNTY, OHIO**

**ROBERT L. PROUD, PRESIDENT
EDWIN H. HUMPHREY, VICE PRESIDENT
R. SCOTT CROSWELL III, MEMBER**

JUDITH KOCICA, CLERK OF THE BOARD

DATE APPROVED – 05/12/10